

EXHIBIT  
78

SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA

GARY L. JOHNSON  
INTERIM ADMINISTRATIVE DIRECTOR



ADMINISTRATIVE OFFICE  
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MEMORANDUM

TO: ALL JUSTICES  
FROM: GARY JOHNSON *G.J.*  
DATE: MARCH 20, 2018  
RE: FINAL ADMINISTRATIVE CONFERENCE MINUTES

Attached for your records are final Minutes from the Administrative Conference held  
Monday, March 5, 2018.

Attachment

**MINUTES**

**ADMINISTRATIVE CONFERENCE**

**MARCH 5, 2018**

**1. APPLICATION OF JUDGE ROGER L. PERRY TO BE A SENIOR STATUS JUDGE FOR THE PURPOSE OF PERFORMING MARRIAGES AND ADMINISTERING OATHS ONLY**

By a vote of 5 - 0, the Court approved the resignation of Judge Roger Perry as Senior Status Judge and appointed him as Senior Status Judge for the purposes of performing marriages and administering oaths only.

**2. IT INFORMATION**

2.1 By a vote of 5 - 0, the Court approved purchasing three video conferencing units from Alpha Technologies priced at \$6,139.00 per unit for a total purchase price of \$18,417.00.

2.2 By a vote of 5 - 0, the Court approved changing redundant circuit providers from Sprint (\$59,507.61/month) to BCN (\$53,725.00/month).

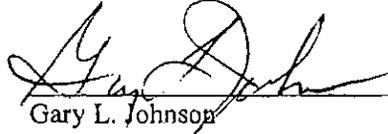
2.3 By a vote of 5 - 0, the Court approved purchasing 20 laptops and docking stations from Dell Premier to replenish laptop computer stock for a total purchase price of \$35,395.80.

2.4 By a vote of 5 - 0, the Court approved Oracle Technical Support Services for the 2018-2019 annual payments in the amount of \$824,493.43. The following Court applications currently use Oracle: UJA, Child Abuse and Neglect, Family Court Juvenile Administrative Orders, Family Court Contempt/Modifications and Monthly Mediations, Court Statistics, Mental Hygiene and Jury Plus.

**3. DIVISION OF PROBATION SERVICES**

3.1 The Court deferred action on whether the drug courts may use gift cards for incentives purchased with P-cards. Director Bond shall prepare a recommendation on how to proceed, and then a meeting can be held with the Auditor concerning purchasing pre-approved gift cards with a P-card.

Submitted by:

  
Gary L. Johnson

Date: 3-20-18

3.2 and 3.3 The Court approved probation officers for the Eleventh and Fifteenth Judicial Circuits. The approval was based on the fact that their numbers indicate that they exceed the number of probationers that can be supervised based on the ratios previously approved by the Court. Upon review of the chart, it was determined that Randolph County may need an additional probation officer. Director Bond is to verify Randolph County's numbers and if they are correct, the Twentieth Judicial Circuit will be authorized to add an additional probation officer. The Court further directed that when a circuit reaches 70 supervisees per probation officer, they shall be provided an additional probation officer without further approval of the Court.

3.4 By a vote of 3 – 2, with Justice Ketchum and Justice Loughry voting no, the Court approved to allow Twenty-Fifth Judicial Circuit Judge William Thompson to maintain a juvenile drug court case manager for 20 hours per week. As part of the same discussion vote, the Court further adopted criteria for case managers in that if there are 25 or more clients in juvenile drug court, the juvenile drug court will be permitted a case manager for 20 hours per week.

The Court denied the request from Sixth Judicial Circuit Judge Gregory Howard to add an additional probation officer to assist with their newly approved Juvenile Drug Court as Cabell County did not meet the ratio criteria previously established by the Court.

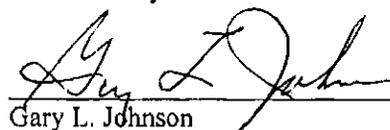
#### 4. COURT SERVICES

4.1 By a vote of 5 – 0, the Court approved to contract with Associated Professional Systems (APS) for the enhancement of the adjudicatory and disposition orders in Juvenile Abuse and Neglect Information System (JANIS). The cost of the enhancements will not exceed \$11,000.00 and will be paid from the Court Improvement Program Data Grant.

4.2 By a vote of 5 – 0, the Court approved the exploration of a potential grant opportunity with the National Center for State Courts and West Virginia DMV. NCSC is a recipient of a grant from of the Federal Motor Carrier Safety Administration to engage in outreach, research, and technology initiatives in the court community to help achieve expectations for safer highways. This grant program could allow the Court to more quickly notify other states' driving agencies of convictions of out-of state drivers. As tasks and objectives are achieved, NCSC will pay the AO and DMV \$100,000.00 each for their participation.

4.3 By a vote of 5 – 0, the Court determined that all public agencies with access to UJA will not be required to pay for access once the Court begins charging and that public defenders will have the same access to UJA as law enforcement officers.

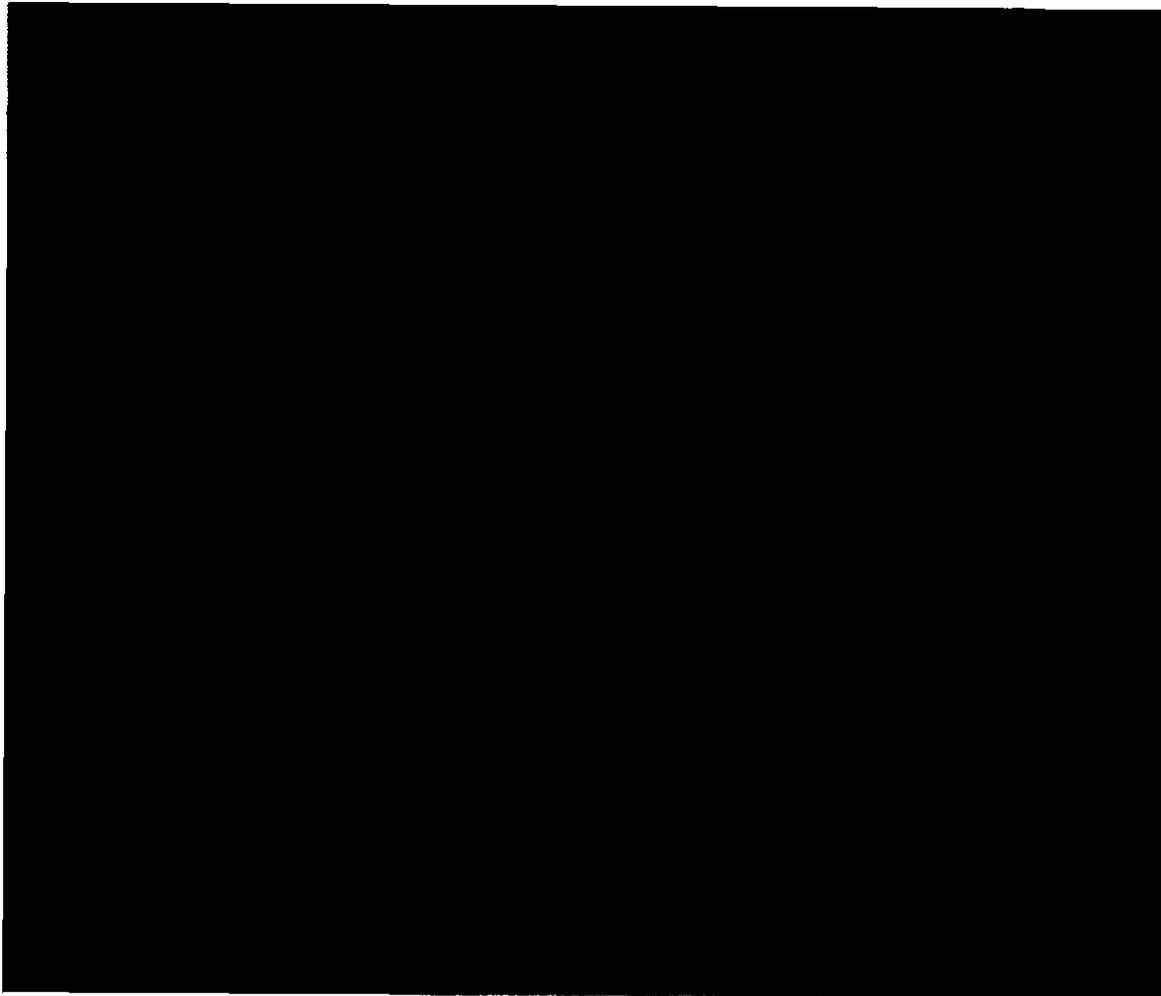
Submitted by:

 Date: 5-20-18  
Gary L. Johnson

5. LEGISLATIVE UPDATE

For the Court's information. No further action is required.

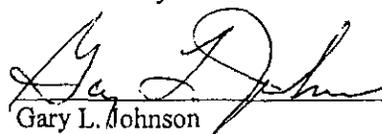
6. UPDATE INFORMATION FROM GENERAL COUNSEL LORI PALETTA-DAVIS



7. LITIGATION UPDATE

For the Court's information. No further action is required.

Submitted by:

 Date: 3-20-18  
Gary L. Johnson

8. **FREELANCE/SUBSTITUTE COURT REPORTERS**

By a vote of 5 – 0, the Court approved to continue to use the freelance/substitute court reporters list currently used by the Court.

9. **SATURDAY HEARINGS IN KANAWHA COUNTY FAMILY COURT S**

By a vote of 3 – 2, with Justices Loughry and Ketchum voting against the matter, the Court approved entry of an order permitting Saturday hearings in Kanawha County Family Court and vacating the June 16, 2017, Administrative Order, that discontinued Saturday hearings in Kanawha County Family Court. Justice Loughry's position is that the issue of Saturday hearings shall be a Chief Justice issue and does not require a vote of the Court.

10. **THE WEST VIRGINIA STATE BAR 2018-2019 BUDGET**

By a vote of 5 – 0, the Court approved the West Virginia State Bar's proposed 2018-2019 budget in the amount of \$3,019,151.00. The Court also confirmed a meeting with the State Bar on April 4, 2018, at 2:00 p.m.

11. **DRAFT VEHICLE POLICY**

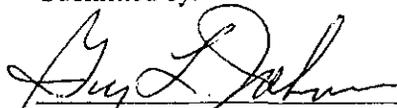


12. **FINANCIAL DIVISION**

12.1 The Court reviewed the YTD financial statements as of 01/31/2018. No further action is required.

12.2 By a vote of 5 – 0, the Court approved the recommendations of Director of Financial Management Sue Racer-Troy and Operations Services Director Pat Moats to relocate IT Procurement Specialist Charles Barnette from his office in the AO to City Center East, and Director Racer-Troy's request to reassign IT Division Administrative Assistant Jill Connolly to the Finance Division.

Submitted by:

  
Gary L. Johnson

Date: 3-20-18

12.3 1) By a vote of 5 – 0, the Court approved the contract of lease for the Leon Sullivan Way warehouse beginning January 1, 2018, and will end at midnight on December 31, 2022, and approved paying 27% of the monthly utilities and maintenance costs at the Leon Sullivan Way warehouse as rent. There are no other charges.

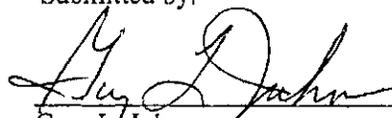
2) By a vote of 5 – 0, the Court voted not to rent the available additional space at the Venable Avenue warehouse in Kanawha City.

13. **MISCELLANEOUS**

13.1 By a vote of 5 – 0, the Court approved Sixteenth Judicial Circuit Judge David Janes' request to provide equipment to accommodate the hearing impaired in the Fred L. Fox, II Courtroom in Marion County.

13.2 The Court received a Memorandum from Director of Education and Outreach Sara Thompson to Administrative Director Gary Johnson with information about the Division expanding into electronic and web-based learning formats. For the Court's information. No further action is required.

Submitted by:

  
Gary L. Johnson

Date: 3-20-18

## AGENDA

### ADMINISTRATIVE CONFERENCE

MARCH 5, 2018

1. APPLICATION OF JUDGE ROGER L. PERRY TO BE A SENIOR STATUS JUDGE FOR THE PURPOSE OF PERFORMING MARRIAGES AND ADMINISTERING OATHS ONLY

Discussion:

Attached is a letter from Judge Roger Perry submitting his resignation as a Senior Status Judge and requesting to be reinstated as a Senior Status Judge for the purpose of performing marriages and administering oaths only. He was approved as a Senior Status Judge starting June 16, 2015, and resigned as a Senior Status Judge on January 29, 2018.

**Attachment – Tab 1**

January 29, 2018, letter from Judge Roger Perry to Justice Allen Loughry

Recommendation:

The Court discuss the matter.

2. IT INFORMATION

Discussion:

2.1 Attached is a memorandum from Operations Services Director Pat Moats to Administrative Director Gary Johnson requesting approval to purchase three video conferencing units priced at \$6,139.00 per unit for a total of \$18,417.00.

2.2 Attached is a memorandum from Operations Services Director Pat Moats to Administrative Director Gary Johnson requesting approval to change redundant circuit providers from Sprint (\$59,507.61/month) to BCN (\$53,725.00/month).

2.3 Attached is a memorandum from Operations Services Director Pat Moats to Administrative Director Gary Johnson requesting to purchase 20 laptops and docking stations from Dell Premier to replenish laptop computer stock. The quote total from Dell Premier is \$35,395.80.

2.4 Attached is a memorandum from Operations Services Director Pat Moats to Administrative Director Gary Johnson requesting to approve Oracle Support Services for 2018-2019 billing cycle.

**Attachments – Tab 2**

2.1 February 28, 2018, memorandum from Operations Services Director Pat Moats to Administrative Director Gary Johnson

2.2 February 28, 2018, memorandum from Operations Services Director Pat Moats to Administrative Director Gary Johnson

2.3 February 28, 2018, memorandum from Operations Services Director Pat Moats to Administrative Director Gary Johnson

2.4 March 1, 2018, memorandum from Operations Services Director Pat Moats to Administrative Director Gary Johnson

**Recommendation:**

The Court discuss the matters.

**3. DIVISION OF PROBATION SERVICES**

**Discussion:**

Attached is a memorandum from Director of Probation Services Stephanie Bond to Administrative Director Gary Johnson detailing the following:

1. The use of gift cards as incentives and purchasing along with Twenty-Fifth Judicial Circuit Judge William Thompson's letter outlining why drug courts use and need the gift cards for incentives.
2. A request from Eleventh Judicial Circuit Judge Jennifer Dent and Chief Probation Officer Tonya Hoover (letters attached) requesting an additional probation officer for the Eleventh Judicial Circuit.
3. A request from Fifteenth Judicial Circuit Judge James Matish (letter attached) requesting an additional probation officer(s) for the Fifteenth Judicial Circuit.
4. A request from Twenty-Fifth Judicial Circuit Judge William Thompson (letter attached) requesting to keep his Juvenile Drug Court Case Manager.

A possible future proposal – a request from Sixth Judicial Circuit Judge Gregory Howard to add an additional probation officer to assist with their newly approved Juvenile Drug Court. Director Bond will review their staffing situation and will make a recommendation to the Court at the next Administrative Conference.

In addition to the above, Director Bond has listed personnel issues, meetings with outside agencies/groups, and miscellaneous activity within the Probation Services Division.

**Attachments – Tab 3**

February 27, 2018, memorandum from Director of Probation Services Stephanie Bond to Administrative Director Gary Johnson

February 26, 2018, letter from Circuit Judge William Thompson to Administrative Director Gary Johnson

January 29, 2018, letter from Circuit Judge Jennifer Dent to Director of Probation Services Stephanie Bond and January 16, 2018, letter from Chief Probation Officer Tonya Hoover to Director of Probation Services Stephanie Bond

January 29, 2018, letter from Circuit Judge James Matish to Administrative Director Gary Johnson

February 8, 2018, letter from Circuit Judge William Thompson to All Justices

February 23, 2018, letter from Circuit Judge Gregory Howard to Director of Probation Services Stephanie Bond

**Recommendation:**

The Court discuss the matters.

**4. COURT SERVICES**

**Discussion:**

4.1 Attached is a memorandum from Director of Court Services Cammie Chapman to Administrative Director Gary Johnson requesting approval to contract with Associated Professional Systems (APS) for the enhancement of the adjudicatory and disposition orders in Juvenile Abuse and Neglect Information System (JANIS). The cost of the enhancements will not exceed \$11,000.00 and will be paid from the Court Improvement Program Data Grant.

4.2 Attached is a memorandum from Director of Court Services Cammie Chapman to Administrative Director Gary Johnson with information about exploring a grant opportunity with the National Center for State Courts and West Virginia DMV. NCSC is a grant recipient of the Federal Motor Carrier Safety Administration to engage in outreach, research, and technology initiatives in the court community to help achieve expectations for safer highways. NCSC would like to support the Administrative Office of the Supreme Court and the DMV in achieving the tasks and objectives outlined in attached Exhibit A. As these tasks and objectives are achieved, NCSC will pay the AO and DMV \$100,000.00 each.

4.3 Attached is a memorandum from Director of Court Services Cammie Chapman to Administrative Director Gary Johnson explaining the two UJA Access Portals (the LEO portal and Public Defender portal) and policy issues to be decided.

**Attachments – Tab 4**

4.1 February 28, 2018, memorandum from Director of Court Services Cammie Chapman to Administrative Director Gary Johnson

4.2 February 26, 2018, memorandum from Director of Court Services Cammie Chapman to Administrative Director Gary Johnson

4.3 February 28, 2018, memorandum from Director of Court Services Cammie Chapman to Administrative Director Gary Johnson

**Recommendation:**

The Court discuss the matters.

**5. LEGISLATIVE UPDATE**

**Discussion:**

Attached is a memorandum from Administrative Counsel Chris Morris to Administrative Director Gary Johnson providing a legislative update.

**Attachment – Tab 5**

February 28, 2018, memorandum from Administrative Counsel Chris Morris to Administrative Director Gary Johnson

**Recommendation:**

The Court discuss the matter.

**6. UPDATE INFORMATION FROM GENERAL COUNSEL LORI PALETTA-DAVIS**

**Discussion:**

Attached is a memorandum from Administrative Counsel Lori Paletta-Davis to Administrative Director Gary Johnson with a comprehensive list of legal and related matters within her areas of responsibility.

**Attachment – Tab 6**

March 1, 2018, memorandum from Administrative Counsel Lori Paletta-Davis to Administrative Director Gary Johnson

**Recommendation:**

The Court discuss the matters.

**7. LITIGATION UPDATE**

**Discussion:**

Attached is a memorandum from Administrative Counsel Chris Morris to Administrative Director Gary Johnson providing updates on all pending litigation matters.

**Attachment – Tab 7**

February 26, 2018, memorandum from Administrative Counsel Chris Morris to Administrative Director Gary Johnson

**Recommendation:**

The Court discuss the matters.

**8. FREELANCE/SUBSTITUTE COURT REPORTERS**

**Discussion:**

Attached is a list of approved freelance/substitute court reporters currently used by the Court. Should the Court establish a policy about requiring qualifications for freelance/substitute court reporters?

**Attachment – Tab 8**

Approved list of freelance/substitute court reporters

**Recommendation:**

The Court discuss the matter.

**9. SATURDAY HEARINGS IN KANAWHA COUNTY FAMILY COURT S**

**Discussion:**

On March 14, 2017, Eleventh Circuit Family Court Judge Ken Ballard sent a letter (attached) to Administrative Director Gary Johnson requesting that the Supreme Court implement a rule regarding holding Saturday hearings in Kanawha County Family Court. A June 16, 2017, Administrative Order was signed addressing this matter.

Attached is a letter from Eleventh Circuit Family Court Judge Jim Douglas to Justice Allen Loughry requesting reconsideration of the June 16, 2017, Administrative Order (attached) concerning Kanawha County Family Court Saturday hearings.

**Attachments – Tab 9**

March 14, 2017, letter from Eleventh Circuit Family Court Judge Ken Ballard to Administrative Director Gary Johnson

February 12, 2018, letter from Eleventh Circuit Family Court Judge Jim Douglas to Justice Allen Loughry

June 16, 2017, Administrative Order

**Recommendation:**

The Court discuss the matter.

**10. THE WEST VIRGINIA STATE BAR 2018-2019 BUDGET**

**Discussion:**

Attached is a letter from State Bar President, Meshea L. Poore, to Clerk of the Court Edythe Gaiser, together with the State Bar's 2018-2019 budget.

**Attachment – Tab 10**

February 20, 2018, letter from State Bar President, Meshea L. Poore, to Clerk of the Court Edythe Gaiser

**Recommendation:**

The Court discuss the matter.

**11. DRAFT VEHICLE POLICY**

**Discussion:**

Attached is a memorandum from Administrative Counsel Chris Morris to Administrative Director Gary Johnson with a revised draft policy governing the use of Court vehicles.

**Attachment – Tab 11**

February 28, 2018, memorandum from Administrative Counsel Chris Morris to Administrative Director Gary Johnson

**Recommendation:**

The Court discuss the matter.

**12. FINANCIAL DIVISION**

**Discussion:**

12.1 Attached is a memorandum from Director of Financial Management Sue Racer-Troy to Administrative Director Gary Johnson with the Court's YTD financial statements as of 01/31/2018.

12.2 Attached is a memorandum from Director of Financial Management Sue Racer-Troy and Operations Services Director Pat Moats to Administrative Director Gary Johnson

requesting to relocate IT Procurement Specialist Charles Barnette from his office in the AO to CCE to be able to monitor wvOASIS tracking of orders, enter and receiving documents, and maintain computer inventory for the IT Division. Director Racer-Troy is also requesting to reassign IT Division Administrative Assistant Jill Connolly to the Finance Division. Ms. Connolly previously worked in the Finance Division and her skills and experience could be utilized as part of the procurement/fixed asset/p-card team.

12.3 Attached is a memorandum from Director of Financial Management Sue Racer-Troy to Administrative Director Gary Johnson explaining the following warehouse issues:

1) The Court currently occupies 27% of the space at the Leon Sullivan Way warehouse. We do not pay rent there and Prison Industries is requesting that the Court pay 27% of the monthly utilities and maintenance costs for the building. The estimated monthly cost will be \$663.00 or \$7,959.00 annually. A copy of the "Contract of Lease" is attached for your review and approval, if this is agreeable.

2) The Court currently rents one-half of the Venable Avenue warehouse in Kanawha City. The other half of the warehouse will become available for rent at the end of March at a rate of \$3,658.33 monthly or \$43,899.96 annually.

Director Racer-Troy states that the most cost-efficient option is to continue to use the warehouse at Leon Sullivan Way and pay our share of the utility and maintenance costs.

#### **Attachments – Tab 12**

12.1 February 27, 2018, memorandum from Director of Financial Management Sue Racer-Troy to Administrative Director Gary Johnson

12.2 February 28, 2018, memorandum from Director of Financial Management Sue Racer-Troy and Operations Services Director Pat Moats to Administrative Director Gary Johnson

12.3 February 28, 2018, memorandum from Director of Financial Management Sue Racer-Troy to Administrative Director Gary Johnson

#### **Recommendation:**

The Court discuss the matters.

#### **13. MISCELLANEOUS**

13.1 Attached is a letter from Sixteenth Judicial Circuit Judge David Janes requesting equipment or facilities to accommodate the hearing impaired in the Fred L. Fox, II Courtroom in Marion County.

13.2 Attached is a memorandum from Director of Education and Outreach Sara Thompson to Administrative Director Gary Johnson with information about the Division expanding into electronic and web-based learning formats – for your information.

SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA

GARY L. JOHNSON  
ADMINISTRATIVE DIRECTOR



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Memorandum

To: Honorable Judge Gary Johnson, Administrative Director  
From: Stephanie Bond, Director of Probation Services   
Date: 27 February 2018  
Re: Proposals for 5 March 2018 Administrative Conference

Listed below you will find several proposals that I would like for you to consider for the 5 March 2018 Administrative Conference. Please let me know if there is any additional information that I could provide.

**PROPOSAL #1: The Use of Gift Cards as Incentives and Purchasing**

As you are aware, the use of the P-Card to purchase gift cards as incentives for drug court participants has been under review. While there were some initial questions regarding the nature of the purchases, I believe that issue has been addressed. The issue that remains arose from reporting purchases on a monthly basis or following the purchase as opposed to receiving prior approval. At this point, we understand that certain incentives should be encouraged (i.e., continue with judicial praise, waiving of fees, fast pass, etc... and implement more point systems that include "stores" where participants can "shop" with the points earned).

During the past few weeks, I have spoken with many Drug Court Judges, Probation Officers and participants. Although certainly not the main motivation for change, the gift cards do seem to be a significant motivator for positive change by participants and appear to be sincerely appreciated. As such, I recommend that this practice continue. That said, in researching this issue, several issues came to light that make this a complicated proposal. I will try to break them down into bullets.

- ***How to purchase the gift cards?***  
Twice a year, on a date mutually accepted by the Auditor's Office and our Division of Finance, the Probation Officer assigned to a Drug Court will submit a request to the Director of Probation Services, or designee, outlining what gift cards their Court will need for the next 6 months. They are to provide justification for their request based on current and projected numbers of participants as well as what was used the previous six months. Once all Drug Court requests are submitted and approved, a combined list will be sent to the Director of Finance, or designee. This

person will contact the Auditor's office to receive approval. Once approved, the local P-Card holder for the Drug Court will request a temporary increase in his/her P-Card spending amount and then purchase the cards to be used for the next 6 months.

***Alternate Suggestion:***

Instead of twice a year, the cards could be purchased each quarter. This would result in less cards on hand at any given time, which in effect means the Probation Officer is responsible for less money. Some Courts feel they could be more responsive to the participant's needs by doing this more frequently, especially with juveniles as their JDC program is sometimes over in 6 months.

- ***How to properly keep track of gift cards?***

Once the P-Card holder purchases the cards and gives them to the Probation Officer, that person, or designee, will then enter the card information onto either a) a form developed by the Division of Probation Services or into b) the appropriate place on OCMS. Whichever is used will contain the following information, at a minimum: date gift card was purchased; the serial number on the gift card; to whom the card was given; date the card was given; reason card was given. This form will be submitted to the Drug Court Coordinator monthly. In addition, a receipt form will be developed for the participant to sign indicating what incentive they received and when. This form will then be uploaded into OCMS.

- ***How to pay for group activities, awards, etc...?***

Given that the vast majority of Drug Court P-Card holders are secretaries, they do not have much time to go out and "shop" whenever needed. The twice a year (or quarterly) purchase should help with that. However, most circuits have a hard time doing extracurricular group activities / incentives due to their lack of ability to pay for them. For example, if you want to take your group bowling as a reward, how would that be paid for? The secretary would either pre-pay, attend the activity (usually in the evenings or weekends), have the Probation Officer try to get a cash advance, or rely on donations from the treatment team, Judge, Probation Officer and/or community support. As a result, we do not conduct these activities as much as the Teams would like. A way to get around this obstacle is to purchase Visa or MasterCard gift cards (non-reloadable which have a monthly fee). This is already being done in a couple of circuits, as evidenced by the large amount purchased and questioned. (i.e., \$500 Master Card gift card) If permitted, the Probation Officer would need to keep a receipt of every time the card was used as well as complete a similar form as listed above. When the card is empty, the Probation Officer will send a copy of all receipts, with the gift card number on them, to the Drug Court Coordinator, or designee.

- ***Alternative suggestions:***

- Several Judges have inquired about the possibility of their Probation Officer having the P-Card for the Drug Court, however I will leave that to your discretion as I'm not familiar

with how P-Card holders are chosen. I do know that we did recently approve for a Probation Officer in the 22<sup>nd</sup> Circuit to have a P-Card, however it was because their secretary was very uncomfortable with having this responsibility and at times not cooperative.

- o I have also received numerous suggestions for the participant funds to return to the previously established 501-C-3 nonprofit organizations that the Drug Courts established for these funds. Since this was done and changed before I came to work for the courts, I will refrain from making a recommendation without additional information.

In addition, please see Attachment #1. This is a letter from Judge William Thompson outlining why Drug courts use and need the gift cards for incentives.

**PROPOSAL #2: Additional Probation Officer for the 11<sup>th</sup> Circuit**

Attached (Attachment #2) you will find letters from Circuit Judge Jennifer Dent and Chief Probation Officer Tonya Hoover stating their justifications for the need of another Officer. The 11<sup>th</sup> Circuit consists of the very large counties of Greenbrier and Pocahontas. With the addition of Intensive Supervision probationers, the amount of time spent on the road doing field visits greatly increased. While on the road, these Probation Officers are in essence "wasting time" needed for other required duties, however there is no alternative in order to properly supervise as required. In addition, in looking at the number of probationers the week of 5 February 2018, the six Probation Officers (which includes their Chief) supervise a total of 475.6 when you apply the 3.2 ratio for the intensive supervision cases. This results in an average of 79.27 probationers each, which is well over the recommended 63 that was previously stated by the Administrative Office. When you look individually, the Chief, Tonya Hoover, actually supervises 78.4, which is entirely too many for anyone but especially a Chief who has other Administrative duties. In addition, on the week stated above, the 11<sup>th</sup> Circuit had a combined 38 people in their Drug Court, which is one of the highest. They currently have one Probation Officer serving all participants in the Drug Court while driving back and forth between Counties.

Given all of this, I strongly support the 11<sup>th</sup> Circuit receiving another Probation Officer.

**PROPOSAL #3: Additional Probation Officer for the 15<sup>th</sup> Circuit**

Attached (Attachment #3) you will find a letter from Circuit Judge James Matish outlining his request for an additional Probation Officer(s) for Harrison County. The 15<sup>th</sup> Circuit supervises a little differently than some in that they have field officers who conduct the majority of the site visits and then a few other officers who deal with bond supervision / bond reports, PSIs, and court hearings. Although Judge Matish and I had slightly different numbers, it does appear that the 15<sup>th</sup> Circuit requires an additional Probation

Officer, primarily to work with the juveniles. When a prior Juvenile Probation Officer retired, they filled that position with a former ISO. This was needed due to their lack of expertise as well as having one of the very few shelters in the state who accept sex offenders. As a result, their number of sex offenders is fairly high. However, this left the juveniles being supervised by only two people. The two individuals have caseloads of 140 and 120.8, which includes Juvenile Drug Court. However, even when taking the entire number of probationers from the 15<sup>th</sup> Circuit and dividing them by the number of Probation Officers, it averages to 70 probationers per Officer. This number does include the Chief, who due to administrative duties, currently has a caseload of 24. If you took him and his 24 offenders out of the equation, this would leave an average caseload of 74.22.

As a result, I support an additional Probation Officer being assigned to the 15<sup>th</sup> Circuit.

**PROPOSAL #4: Case Manager for the 25<sup>th</sup> Circuit Juvenile Drug Court**

Attached (Attachment #4) you will find a letter from Circuit Judge William Thompson regarding his request to keep his Juvenile Drug Court Case Manager. As you will find detailed in his letter, Judge Thompson has a very large and successful Juvenile Drug Court. It appears as though he is volunteering to oversee both the Juvenile and Adult Drug Courts while going between Boone and Lincoln Counties. With the number of participants he has in both Courts, this is no easy task. I pulled the monthly numbers of juvenile participants in all drug courts for the time July 2017 – December 2017 and listed the average number in all courts below. You will see that the 25<sup>th</sup> Circuit greatly exceeds all others.

1 <sup>st</sup> Circuit	18	9 <sup>th</sup> Circuit	7	17 <sup>th</sup> Circuit	13
4 <sup>th</sup> Circuit	17	10 <sup>th</sup> Circuit	5	20 <sup>th</sup> Circuit	4
7 <sup>th</sup> Circuit	8	13 <sup>th</sup> Circuit	2	24 <sup>th</sup> Circuit	14
8 <sup>th</sup> Circuit	6	15 <sup>th</sup> Circuit	13	29 <sup>th</sup> Circuit	15
25 <sup>th</sup> Circuit - 28					

Given this large number and the fact that the court spans two counties, I do not think it is unreasonable to have a case manager. In fact, if the numbers in the 25<sup>th</sup> Circuit remain this high or higher, it may warrant an additional Probation Officer in time. Currently though, the case manager is a more cost efficient alternative. I would recommend that the Courts reconsider the case manager for this circuit and perhaps make it a temporary full time position and review the JDC participant numbers every 6 months. If by chance the numbers would drop, however unlikely, then the position would no longer be necessary.

To perhaps ease your mind regarding the low numbers in some of the JDCs listed above, changes have been made and currently this year there is a significant increase in at least two of those circuits.

**Possible Future Proposal: Additional Probation Officer for the 6<sup>th</sup> Circuit**

Attached (Attachment #5) is a copy of a letter I received on 23 February 2018 from Judge Gregory Howard requesting an additional Probation Officer to assist with their newly approved Juvenile Drug Court. Since

I haven't looked into their staffing situation as deep as I did the other circuits, I will refrain from making a recommendation until the next Administrative Conference. However, his Probation Department kept an activity log during the month of January 2018. This was done to show the Administrative Office how much work that they do which is not captured in OCMS. At least part of the activities listed are normal duties that come with having a probationer under supervision, so I will be interested in reviewing this more closely as well as looking at additional months' worth of data in the future.

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The remainder of this report will be a summary of January and February 2018 activities by the Division of Probation Services.

**Personnel Issues**

- Data Analyst / Quality Assurance Manager Alicia Holman began employment with the DPS on 20 January 2018. Despite the continued challenges with our OCMS system, Ms. Holman has caught on quickly and has already assisted with data gathering.
- The posting for the Drug Court Coordinator position is currently up. We should be conducting interviews no later than mid-March.
- Attorney McKinney participated in personnel investigation of alleged discriminatory conduct at the request of a Chief Circuit Judge
- Attorney McKinney has continued to work on personnel matters under appeal with the Courts.
- Attorney McKinney assisted with facilities inspection and planning related to Monroe County Probation offices.

**Field Visits**

Date	Who	Circuit	Place	Reason
1/04/18	Leftwich	24 <sup>th</sup>	Wayne County Courthouse	Field Visit and ADC Graduation
1/11/18	Leftwich	16 <sup>th</sup>	Marion County Courthouse	Field Visit and ADC Graduation
1/19/18	McKinney	31 <sup>st</sup>	Monroe County Courthouse, nearby possible site for Probation Offices	Field Visit – looking for alternate office sites
1/26/18	Leftwich, McKinney	23 <sup>rd</sup>	Berkeley County Judicial Center	Field Visit and ADC Training of new Treatment Team members (Judges Loransen, McLaughlin, and PO's)
1/30/18	McKinney	13 <sup>th</sup>	Kanawha County Judicial Annex	Field Visit and Personnel Investigation (Judge Bloom and PO's)

2/1/18	Leftwich, McKinney	12 <sup>th</sup>	Fayette County Judicial Annex	Field Visit and Meeting re ADC services (Judge Blake and PO's)
2/2/18	Leftwich	5 <sup>th</sup>	Mason County Courthouse	Field Visit and ADC Graduation
2/5/18	Bond, Leftwich	1 <sup>st</sup>	Ohio County Courthouse	Field Visit and ADC Graduation (Judge Sims and POs)
2/5/28	Bond, Leftwich	1 <sup>st</sup>	Brooke County – YRC	Field Visit with 2 POs
2/6/18	Bond, Leftwich	2 <sup>nd</sup>	Marshall County Courthouse & Prob	Field Visit (Judge Hummel and 3 POs)
2/6/18	Bond, Leftwich	17 <sup>th</sup>	Monongalia County Courthouse	Field Visit and ADC Graduation (Judges Gajot, Tucker, & Clawges, POs & ADC Tx Team)
2/8/18	Bond, Leftwich	11 <sup>th</sup>	Greenbrier County Courthouse	Field Visit and ADC Graduation (Judges Dent & Richardson & POs)
2/14/18	Bond, Leftwich		Lincoln County Courthouse	Field Visit and ADC Graduation (Judges Thompson and Hoke & POs)
2/14/18	McKinney	13 <sup>th</sup>	Kanawha County Judicial Annex	Field Visit and Personnel Investigation (Judges Bloom, Bailey, and PO's)
2/16/18	Bond, Leftwich	13 <sup>th</sup>	Kanawha County Courthouse	ADC Graduation
2/23/18	Bond, Leftwich	8 <sup>th</sup>	McDowell County Courthouse	Field Visit and ADC Graduation (Judge Stephens and PO K. Williams)
2/28/18	Bond, Leftwich	10 <sup>th</sup>	Raleigh County Courthouse	Field Visit and JDC Graduation

**Meetings with Outside Agencies / Groups**

- At the request of Secretary Bill Crouch, Director of the Division of Probation Services (DDPS) Stephanie Bond attended a meeting regarding the possible re-organization with DHHR and Division of Juvenile Services. (01/03/18)
- DDPS Bond attended a Human Trafficking Awareness event sponsored by the YWCA. (01/09/18)
- DDPS Bond testified and Attorney Rob McKinney represented the Courts at the Administrative Hearing on former Chief PO Michael Williams. (01/11/18)
- DCS Leftwich Met with Western Regional Day Report Center in re: telehealth initiative in Huntington. (01/12/18)
- DDPS Bond attended the PAAC Disproportional Minority Contact meeting. (01/16/18)

- DDPS Bond, Attorney Rob McKinney, Drug Court Specialist (DCS) Nick Leftwich and Administrative Coordinator Randall Wagner participated in a meeting with representatives from Alere / Abbot, our primary drug testing company. (01/23/18)
- DDPS Bond participated in working conference calls with the Bureau of Behavioral Health and Health Facilities regarding Transitioning to Adult Housing and Communication and FC18 Agreements. (01/24 and 01/25/18)
- DDPS Bond, Attorney Rob McKinney, DCS Nick Leftwich and Administrative Coordinator Randall Wagner participated in a proposal from a representative of QLABS, a drug testing company from here in Charleston, WV. (01/23/18)
- DDPS Bond, DCS Nick Leftwich and DA/QA Holman met with WV DOC to develop a more accurate and efficient way of informing Probation when an offender is going to be released from Parole and placed on extended supervision. (01/23/18)
- DCS Leftwich met with Judge Greg Howard (6th Circuit Cabell) and Western Day Report Center in re: telehealth initiative in Huntington. (01/24/18)
- DCS Leftwich participated in a conference call with WeConnect re: telehealth Initiative (01/25/18)
- Attorney McKinney and DCS Leftwich met with 23<sup>rd</sup> Circuit ADC (Eastern Panhandle) PO, Judges and Treatment team for an ADC refresher training due to new folks involved in the program. (01/26/18)
- Drug Court Specialist (DCS) Nick Leftwich participated in the WV State Advisory Group (SAG) meeting. (01/30/18)
- DDPS Bond participated in a meeting of the Education of Children In Out of Home Care committee. (01/30/18)
- DDPS Bond participated in a CIP subcommittee, Youth Services, meeting and a meeting of the CIP Oversight Board. (02/01 and 02/02/18)
- DDPS Bond participated in the Statewide ACES initiative meeting at the PDC. (02/09/18)
- DDPS Bond and DCS Leftwich met with Senator John Unger regarding his non-profit dealing with a Recovery Coach Academy.
- DDPS Bond participated in a Statewide Youth Treatment Planning meeting. (02/21/18)

### Miscellaneous

- DDPS Bond participated in two calls regarding RJOI. (01/04/18 and 02/01/18)
- DCS Leftwich watched the following webinars:
  - Regional Judicial Opioid Initiative-Child Welfare Report from ASPE (webinar) (01/10/18)
  - Drug Court - Statewide and Implementation & Enhancement Performance Measures Webinar, hosted by BJA (01/16/18)
  - Drug Court - Statewide and Implementation & Enhancement Performance Measures Webinar, hosted by BJA (01/16/18)

- DCS Leftwich and Attorney McKinney met with WV APO In re: 2018 Legislative Session (01/17/18)
- DCS Leftwich met with 5th Circuit Chief PO Chris Johnson In re: telehealth Initiative (01/17/18)
- Attorney Lori Paletta-Davis held a meeting with all (but one) Division of Probation Services 6<sup>th</sup> floor staff to discuss position descriptions. (01/29/18)
- Grant Reporting for Feds for the 3 active federal grants completed and submitted to BJA as required by DCS Nick Leftwich 01/29 – 01/30/18); the reporting periods were for Oct-Dec 201.
- DCS Leftwich held a conference call with State Drug Court Coordinators Association re: upcoming NADCP Conference (01/31/18)
- DA/QA Mgr. Alicia Holman spent the day with Putnam County Probation Department for training. (02/12/18)
- DPS Bond viewed a webinar titled: "Opioid Prescription Rates and Child Removals: Evidence from Florida" by the PDMP Training & Technical Assistance Center Team (2/27/18)
- Attorney McKinney monitored legislation relevant to Probation, including meetings with legislative staff about Court-supported legislation.

Cc: Joan Mullins, Executive Administrative Assistant  
Mary Greene, Executive Administrative Assistant